



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Ismael A. Hernandez et al.

CASE NO.: DP-6675 US NA

APPLICATION NO.: 09/934,905

GROUP ART UNIT: 3765

FILED: AUGUST 22, 2001

EXAMINER: UNKNOWN

FOR: FIBERFILL PRODUCTS COMPRISING  
POLYTRIMETHYLENE TEREPHTHALATE  
STAPLE FIBERS

SUBMISSION OF TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are a Terminal Disclaimer and a Fee Transmittal form for the subject application. The undersigned spoke with Examiner Edwards concerning USSN 09/934,866 (Attorney Docket# DP6676). Examiner Edwards requested that a terminal disclaimer be filed with respect to the product claims of the subject application and the product claims of USSN 09/934,866. In order to expedite prosecution of the subject application and co-pending application Nos. 09/934,866 and 09/934,904, applicants are filing a terminal disclaimer against both of these applications. Applicants note that the subject application and USSN 09/934,904 have not undergone prosecution and that it is not certain at this time which claims of any of these applications will be pursued. The Terminal Disclaimer is merely filed to expedite prosecution and should not be considered an admission by applicants or the undersigned concerning obviousness-type double patenting or any other issues concerning patentability.

Respectfully submitted,

*Mark D. Kuller*

Mark D. Kuller  
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Dated: April 29, 2002



## TERMINAL DISCLAIMER

Docket Number (Optional)

DP-6675 US NA

In re Application of: Ismael A. Hernandez, et al.

Application No. 09/934,905

Filed: August 22, 2001

For: FIBERFILL PRODUCTS COMPRISING POLYTRIMETHYLENE TEREPHTHALATE STAPLE FIBERS  
FIBERS, AND POLY(TRIMETHYLENE TEREPHTHALATE) STAPLE FIBERS, YARNS AND FABRICS

The owner\*, E. I. du Pont de Nemours and Company of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application or any continuation or division thereof, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Numbers 09/934,866 and 09/934,904, both filed on August 22, 2001, or any continuation or division thereof (hereinafter each individually referred to as "second application"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Mark D. Kuller

Signature

9/29/02

Date

Mark D. Kuller, Reg. No. 31,925

Type or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.



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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

## Complete if Known

Application Number	09/934,905
Filing Date	August 22, 2001
First Named Inventor	Ismael A. Hernandez, et al.
Examiner Name	Unknown
Group / Art Unit	3765
Attorney Docket No.	DP-6675 US NA

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

04-1928

Deposit  
Account  
Name

E. I. du Pont de Nemours and Company

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the  
above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

### 2. EXTRA CLAIM FEES

Total Claims  -20 =  0 X  18 =  0  
Independent Claims  -3 =  0 X  84 =  0  
Multiple Dependent ☐ X  280 =  0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,980	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) Filing a Terminal Disclaimer

110

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Mark D. Kuller	Registration No. Attorney/Agent)	31,925	Telephone	(302) 892-1354
Signature	<i>Mark D. Kuller</i>	Date	April 29, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents; Mail Stop Patent Application; P.O. Box 1450  
Alexandria, VA 22313-1450

on January 12, 2004  
Date

Barbara A. Ferzetti  
Signature

BARBARA A. FERZETTI

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

09/934,904  
DP-6670 US NA

### Response

Copies of documents filed by facsimile on April 29, 2002 in subject application:

- (1) Submission of Terminal Disclaimer
- (2) Terminal Disclaimer
- (3) Fee Transmittal PTO/SB/17
- (4) Certificate of Transmission under 37 CFR 1.8

Copies of documents filed on May 1, 2002 in co-pending application No. 09/934,905:

- (1) Submission of Terminal Disclaimer
- (2) Terminal Disclaimer
- (3) Fee Transmittal PTO/SB/17
- (4) Post card showing receipt of documents (1), (2) and (3) by the USPTO on May 1, 2002

Post Card Receipt



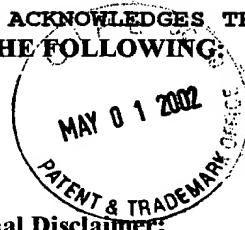
THE STAMP OF THE PATENT OFFICE HEREON ACKNOWLEDGES THE  
RECEIPT, ON THE DATE INDICATED, OF THE FOLLOWING:

CASE NO.: DP-6675 US NA

APPN. NO.: 09/934,905

DOCUMENT: Submission of Terminal Disclaimer;  
Terminal Disclaimer Form; Fee Transmittal  
Form

ATTORNEY: MARK D. KULLER



TERMIN.